

E-FILED on 03/11/09

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

TIFFANY E. LANDAYAN,  
  
Plaintiff,  
  
v.  
  
WASHINGTON MUTUAL BANK and  
QUALITY LOAN SERVICE  
CORPORATION,  
  
Defendants.

No. C-09-00916 RMW

ORDER DENYING EX PARTE  
APPLICATION FOR TEMPORARY  
RESTRAINING ORDER AND ORDER TO  
SHOW CAUSE

[Re Docket No. 4]

Tiffany Landayan applies *ex parte* for a temporary restraining order and order to show cause, apparently seeking to enjoin defendants from evicting her from her property. For the reasons stated below, the court denies the application.


The papers do not appear to have been served on either defendant, nor does the complaint or application for a temporary restraining order explain why that service is not required. Service, or some basis for proceeding *ex parte*, is required by the Local Rules. Civil L.R. 7-10.

The court surmises from the complaint that plaintiff took out a loan from Washington Mutual Bank that was serviced through Quality Loan Service Corporation, and the complaint alleges that plaintiff was not given the proper documents or advice prior to consummating the loan agreement.

1 However, plaintiff sets forth no facts about the loan itself, has not attached a copy of the loan  
2 documents to the complaint, and has not provided facts as to the status of any foreclosure sale.  
3 Therefore, plaintiff has not provided sufficient facts to justify the extraordinary relief sought.

4 The application for a temporary restraining order and order to show cause are hereby denied  
5 without prejudice.

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7  
8 DATED: 03/11/09

  
RONALD M. WHYTE  
United States District Judge

United States District Court  
For the Northern District of California

United States District Court  
For the Northern District of California

1 Notice of this document has been sent to:

2 **Plaintiff:**

3 Tiffany E Landayan  
4 213 N. Hillview Drive  
5 Milpitas, CA 95035  
6 PRO SE

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**Dated:** 03/11/09

JAS  
Chambers of Judge Whyte